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EXAMINER	
LE, LANA N	
ART UNIT	**PAPER NUMBER**
2685	18

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/695,867	KONISHI, MASAHIRO	
	Examiner	Art Unit	
	Lana N Le	2685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 April 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-57* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *37-48 and 55-57* is/are allowed.

6)☒ Claim(s) *1-12,15,17,19-29,31,35* is/are rejected.

7)☒ Claim(s) *13,14,16,18,30,32-34,36 and 48-54* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 04/30/04 have been fully considered but they are not persuasive.

Regarding claims 1-3, 7 and 8, applicant's remarks state that the claimed invention forward the messages before the entire message is received by the wireless phone. However, that is not possible because after the data is detected, ------the *data is received* by the wireless telephone from the transmitting provider---------the *received data* is to be transmitted----see claim 1, lines 7-9 and in the preamble of the claim ----the wireless telephone that *receives data* of at least one of an image and characters-----. Therefore, the wireless phone would have to receive the data before transmitting it to another designated apparatus. The user selectively designating data to be forwarded to a peripheral apparatus a claimed can be done from a menu option in which the user presses on the keypad to enter the command (col 17, lines 62-65) whether he/she wants to forward the data or not by choosing the response he/she wants to transmit via a menu (col 17, lines 19-21 wherein the pager 900 represent the portable terminal; see col 17, lines 9-11). The detector of incoming messages and data to a wireless telephone is well known in the art and is therefore inherent within a wireless telephone and does not need to be discussed in detail. Also, applicant argue that the mobile phone of the reference Swartz et al (US 6,330,244) only has a small recording capacity. However, the reference only stated that the portable terminal *may* have partial view screen and not necessarily has only a partial view screen since the user has the option to even send the data message to a PC by his/her preferred command to read it at a later time in the office when he/she is busy at the time the message is received by the wireless phone. The Sashihara reference includes a card which

when attached to the portable phone communicates by sending and receiving data wirelessly to the email terminal (see abstract).

Regarding claims 4-6, the examiner has more clearly define the obvious statement to provide a good motivation for the combined references.

Regarding claims 15, 17, 19-20 and 9-12, applicant argue the Alperovich reference is unrelated to the other two combined references, however, the reference is combined merely to show that a image or character data can be sent from a first phone to a second phone as is well known in the art, the examiner has more clearly define the obvious statements to provide a good motivation to combine the references.

Regarding claim 21-29, and 35, the examiner has more clearly define the obvious statements to provide a good motivation to combine the references. Rejection of claim 30 is withdrawn since it contains allowable subject matter similar to objected claim 32.

Regarding claims 37-48, 55-57 they are allowable over the cited prior art for the reason as set forth in applicant's remarks, pages 27-28.

Regarding new dependent claims 49-54, they contain allowable subject matter as the previous objected claims 13-14, 16, 18, 32, 36, 44, 46, and 48, and are therefore allowable if rewritten in independent form.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claims 1-3, 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swartz et al (US 6,330,244) in view of Sashihara (US 6,434,405).

Regarding claim 1, Swartz et al discloses a wireless telephone 12A that receives data of at least one of an image and characters (to be viewed on a display screen) through a transmitting provider 14 (col 17, lines 55-57), the wireless telephone comprising:

an inherent detector for detecting the data received from the transmitting provider;

a display device which displays a menu for designating at least one of transmitting data and receiving data (col 8, lines 45-65, col 7, lines 33-58; col 10, lines 16-21; col 17, lines 20-25);

a wireless communicating device 12A that communicates with the apparatus without the transmitting provider 14;

a designating device for designating the data for reception by the wireless telephone 12A from the transmitting provider (col 7, lines 44-65).
selectively designating an apparatus to which the received data is to be transmitted to the wireless communicating device transmits the data to the apparatus designated by the designating device (col 17, lines 54-67). Swartz et al didn't further disclose the transmission between the designated apparatus and the mobile unit is wireless. Sashihara discloses the transmission between the designated apparatus and the mobile unit is wireless (abstract; col 4, lines 15-21). It would have been obvious to one of

ordinary skill in the art at the time the invention was made to have the wireless connection in order to avoid the inconvenience of using a cable/line connection.

Regarding claim 2, Sashihara and Swartz et al discloses the wireless telephone as set forth in claim 1, wherein the display displays received information on data of the at least one image and characters through the transmitting provider (col 7, line 33 - col 8, line 65; col 15, lines 29-51).

Regarding claim 3, Swartz et al further discloses the wireless telephone as set forth in claim 2, wherein the designating device allows the user to designate the data to be received from the information displayed by the displaying device (col 8, lines 45-65, col 10, lines 16-21).

Regarding claim 7, Swartz et al discloses a data transmission system, comprising:

a wireless telephone 12A that receives data of at least one of an image and characters (email) through a transmitting provider;

a designating device on the wireless telephone for designating the data for reception by the wireless telephone 12A using the mobile's IP address (col 7, lines 44-65).

selectively designating an apparatus to which the received data is to be transmitted

a display device on the wireless telephone for displaying information from the received data (col 7, lines 33-65); and displaying a designating address of the apparatus (such as the PC's id workstation number (col 17, lines 54-67); and displaying a menu for

designating at least one of transmitting data and receiving data (col 8, lines 45-65, col 10, lines 16-21; col 7, lines 33-58);

a wireless communicating device 12A that communicates with the apparatus without the transmitting provider and transmits the data to the apparatus designated by the designating device (col 17, lines 54-67). Swartz et al didn't disclose the communication with the apparatus is wireless communication. However, Sashihara discloses the communication from mobile 3 with the apparatus 5 is wireless communication (col 4, lines 15-21; abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the connection of Swartz et al with the wireless communication in order to avoid the mess of cable connection to the mobile.

Regarding claim 8, Swartz further discloses the system of claim 7, wherein the wireless telephone receives and transmits the data without storing the entire data set on the wireless telephone by redirecting the data to another device for storage (col 17, lines 54-65).

2. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sashihara (US 6,434,405) in view of Swartz et al (US 6,330,244).

Regarding claim 4, Sashihara discloses a data transmitting method for a wireless telephone 3, comprising:

detecting the data to be received from a transmitting provider (col 4, lines 15-18);

designating the data for reception by the wireless telephone (email addressed to the particular user) from the transmitting provider (col 4, lines 18-20);

receiving the data into the wireless phone from the transmitting provider, the data comprising at least one of an image and characters (email; col 4, lines 41-47) and communicating wirelessly with a peripheral apparatus (abstract, col 4, lines 15-21). Sashihara didn't further disclose: designating an apparatus to which the received data is to be transmitted; and transmitting the data to the designated apparatus with a wireless communicating device that communicates with the apparatus without the transmitting provider; and displaying a menu for designating at least one of transmitting data and receiving data. Swartz et al further discloses designating an apparatus to which the received data is to be transmitted; and transmitting the data to the designated apparatus with a wireless communicating device that communicates with the apparatus without the transmitting provider (col 17, lines 54-64); displaying a menu for designating at least one of transmitting data and receiving data (col 8, lines 45-65, col 10, lines 16-21). It would have been obvious to one of ordinary skill in the art at the time the invention was made to add the designating an apparatus to Sashihara in order to forward the data to another device from the wireless phone for whenever the mobile user doesn't want to read the received message right away if he/she is busy at that specific time *or* if the screen is too small to view the entire message, the user can choose to forward it to a PC or another device for later retrieval by preferably choosing to enter a command at the mobile phone to forward it or not.

Regarding claim 5, Swartz et al further discloses the data transmitting method for the telephone as set forth in claim 4, further comprising the step of displaying that the

telephone has received information on data of the at least one of image and characters through the transmitting provider (col 7, line 33 - col 8, line 65; col 15, lines 29-51).

Regarding claim 6, Swartz et al further discloses the data transmitting method for the telephone as set forth in claim 5, wherein: the displaying step comprises the step of displaying the received information allowing a user to designate the data to be received from the transmitting provider (col 7, lines 33-58; col 8, lines 12-65); and the data to be received is designated from the received information to fit with the mobile phone's constraints (col 17, lines 54-62).

3. Claims 15, 17, 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alperovich (US 6,317,609) in view of Swartz et al (US 6,330,244) and further in view of Sashihara (US 6,434,405)

Regarding claim 15, Alperovich discloses transmitting data (digital image 355) from a first wireless telephone 20a to a second wireless telephone 20b through a transmitting provider 230 (fig. 4; col 5, lines 2-9); detecting, on the second wireless telephone, the data to be received from the first wireless telephone when the image is detected and determined to be in a compatible format with the second mobile phone (col 6, lines 36-41); displaying information from the detected data on a display on the second wireless telephone (col 6, lines 36-41, lines 52-64); designating the data for reception by the second wireless telephone (col 4, lines 47-59); receiving the data into the second wireless telephone (col 6, lines 11-14).

However, Alperovich didn't further disclose:

designating an apparatus to which the received data is to be transmitted from the

second wireless telephone; and

transmitting the designated data to the designated apparatus through a wireless connection device installed on the second wireless telephone; displaying a menu for designating at least one of transmitting data and receiving data.

Swartz et al discloses a method for transmitting data over a transmitting provider, comprising:

designating an apparatus to which the received data is to be transmitted from the second wireless telephone (col 17, lines 54-65); and

transmitting the designated data to the designated apparatus through a wireless connection device installed on the second wireless telephone (col 17, lines 54-65); and

displaying a menu for designating at least one of transmitting data and receiving data (col 8, lines 45-65, col 10, lines 16-21; col 7, lines 33-58).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add the designating function to Alperovich et al in order to forward the data to another device from the wireless phone for whenever the mobile user doesn't want to read the received message right away if he/she is busy at that specific time *or* if the screen is too small to view the entire message, the user can choose to forward it to a PC or another device for later retrieval by preferably choosing to enter a command at the mobile phone to forward it or not.

Alperovich et al and Swartz et al didn't further disclose the communication with the apparatus is wireless communication. However, Sashihara discloses the communication from mobile 3 with the apparatus 5 is wireless communication (col 4,

lines 15-21; abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the connection of Swartz et al and Alperovich et al with the wireless communication in order to avoid the mess of cable connection to the mobile terminal.

Regarding claim 17, Alperovich further discloses the method of claim 15, wherein the displaying information from the received data on a display comprises displaying a received data file as one of an index image, a title, and a file name (fig. 4; col 5, lines 2-9);

Regarding claim 19, Swartz et al further discloses the method of claim 15, further comprising:

comparing the size of the data to be received into the second wireless telephone with memory capacity of the second telephone to determine if data can be stored on the telephone or must be outputted to an apparatus (col 17, lines 50-65).

Regarding claim 20, Swartz et al further discloses the method of claim 15, wherein the transmitting the designated data to the designated apparatus through a wireless connection device includes designating addresses of apparatuses to which the data is to be transmitted (ie. the PC's workstation id; col 17, lines 55-67).

4. Claims 9-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sashihara (US 6,434,405) in view of Swartz et al (US 6,330,244) and further in view of Alperovich (US 6,317,609).

Regarding claim 9, Sashihara and Swartz et al discloses the system of claim 7, wherein they didn't further disclose the system comprising:

a second wireless telephone that receives the data from a computer and transmits the data into the wireless telephone through the transmitting provider Alperovich et al further discloses the system comprising:
a second wireless telephone 20b that receives the data from a computer and transmits the data into the wireless telephone through the transmitting provider (fig. 4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to add the second wireless phone in order to send the image/data to a friend's cell phone for him/her to view.

Regarding claim 10, Swartz et al further discloses the system of claim 9, wherein the second wireless telephone of Alperovich et al receives the data from a computer server and transmits the data to a peripheral device such as a PC without storing the entire data set on the second wireless telephone (col 17, lines 54-65).

Regarding claim 11, Sashihara and Swartz et al discloses the system of claim 7, wherein Sashihara and Swartz et al didn't specifically disclose a second telephone. Alperovich et al further discloses a second phone (fig. 4). Swartz et al discloses the system further comprising:

a central processing unit for controlling the telephone and for comparing the size of the data to be received into the wireless telephone with memory capacity of the second telephone of Alperovich et al to determine if data can be stored on the telephone or must be outputted to an apparatus (col 17, lines 50-65). It would have

been obvious to one of ordinary skill in the art at the time the invention was made to determine if the user of the receiving phone of Alperovich et al want to load the data for viewing or choose to enter a command to send it to another device for later retrieval if he/she is busy at the time the data is received at the portable telephone and therefore forward the data to another peripheral device on the second phone's side.

Regarding claim 12, Swartz et al further discloses the system of claim 11, wherein the central processing unit compares the size of the data to be received with memory capacity of the wireless telephone to determine if data can be stored on the telephone or must be outputted to the apparatus (col 17, lines 50-65).

5. Claims 21-30, 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pettersson (US 6,615,057) in view of Swartz et al (US 6,330,244).

Regarding claim 21, Pettersson discloses a wireless telephone 403c (fig. 5), comprising:

a first wireless communication device for receiving data at 402 (fig. 4);

a first transmitting and receiving circuit (inherent transceiver & 601) coupled to the first wireless communication device;

a transmitting and receiving buffer 502 coupled to the first transmitting and receiving circuit for temporarily storing the data;

a second transmitting and receiving circuit at 304 of fig. 5 (txceiver of fig. 4) coupled to the transmitting and receiving buffer 502; and

a second wireless communication device 303b coupled to the second transmitting and receiving circuit for transmitting the data to a designated apparatus

403a,403b without a transmitting provider. Pettersson didn't further disclose transmitting the received data to another apparatus. Swartz et al discloses transmitting the received data to another apparatus (col 17, lines 62-65; col 10, lines 4-5).
It would have been obvious to one of ordinary skill in the art at the time the invention was made to add the transmitting of the received data to another apparatus to Pettersson et al in order to forward the data to another device from the wireless phone for whenever the mobile user doesn't want to read the received message right away if he/she is busy at that specific time *or* if the screen is too small to view the entire message without scrolling, the user can choose to forward it to a PC or another device for later retrieval by preferably choosing to enter a command at the mobile phone to forward it or not.

Regarding claim 22, Pettersson and Swartz et al disclose the wireless telephone as set forth in claim 21, wherein Swartz disclose the wireless telephone further comprising:

a display device that displays a menu for designating the data for reception by the wireless telephone and displays received information on data of at least one of images and characters through the transmitting provider (col 7, line 33 - col 8, line 65; col 15, lines 29-51).

Regarding claim 23, Pettersson and Swartz et al disclose the wireless telephone as set forth in claim 22, wherein Swartz et al further disclose the wireless telephone comprising:

a designating device for designating the data for reception by the wireless telephone from the transmitting provider (col 7, lines 44-65), and for selectively designating an apparatus to which the receive data is to be transmitted (col 17, lines 54-67).

Regarding claim 24, Pettersson and Swartz et al disclose the wireless telephone as set forth in claim 22, wherein Swartz et al further discloses the display device displays the received information (col 17, line 28-61); and the designating device allows the user to designate the data to be received from the information displayed by the display device (col 8, lines 45-65, col 10, lines 16-21).

Regarding claim 25, Pettersson discloses a data transmitting method for a wireless telephone 403c (fig. 5), comprising:
receiving data via a first wireless communication device at 402 (fig. 4; col 8, lines 17-33); temporarily storing the data in a transmitting and receiving buffer 502; and transmitting the data to the designated apparatus without a transmitting provider via a second wireless communication device at 304 (figs. 3 & 5). Pettersson didn't further disclose transmitting the received data to another apparatus. Swartz et al discloses transmitting the data to another apparatus (col 17, lines 62-65; col 10, lines 4-5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to send the data to a designated apparatus in order to allow the mobile user to dictate where to send the data when the mobile user doesn't want to view or doesn't have enough space to view the data from the mobile phone itself.

Regarding claim 26, Pettersson and Swartz et al disclose the data transmitting method for the wireless telephone as set forth in claim 25, wherein Swartz et al further disclose the telephone further comprising:

displaying that the telephone has received information on data of the at least one of image and characters through the transmitting provider (col 7, line 33 - col 8, line 65; col 15, lines 29-51); and

displaying a menu for designating the data for reception by the wireless telephone (col 8, lines 45-65; col 7, lines 33-58; col 10, lines 16-21);

Regarding claim 27, Pettersson and Swartz et al disclose the data transmitting method for the wireless telephone as set forth in claim 26, wherein Swartz et al further discloses the displaying comprises allowing a user to designate the data to be received from the transmitting provider (col 8, lines 45-65, col 10, lines 16-21).

Regarding claim 28, Pettersson and Swartz et al disclose the data transmitting method for the wireless telephone as set forth in claim 25, wherein Swartz et al further discloses the telephone further comprises: designating the data for reception by the wireless telephone from the transmitting provider (col 7, lines 44-65) and designating an apparatus to which the received data is to be transmitted (col 17, lines 54-67).

Regarding claim 29, Pettersson discloses a data transmission system (fig. 5), comprising:

at least one wireless telephone 403c (fig. 5), comprising:

a first wireless communication device for receiving data at 402 (fig. 4);

a first transmitting and receiving circuit (inherent transceiver & 601) coupled to the first wireless communication device;

a transmitting and receiving buffer 502 coupled to the first transmitting and receiving circuit for temporarily storing the data;

a second transmitting and receiving circuit (txceiver of fig. 4) coupled to the transmitting and receiving buffer 502; and

a second wireless communication device at 304 (fig. 5) coupled to the second transmitting and receiving circuit for transmitting the data to a designated apparatus 403a,403b without a transmitting provider. Pettersson didn't further disclose transmitting the received data to another apparatus. Swartz et al discloses transmitting the received data to another apparatus (col 17, lines 62-65; col 10, lines 4-5).
It would have been obvious to one of ordinary skill in the art at the time the invention was made to add the transmitting of the received data to another apparatus to Pettersson et al in order to forward the data to another device from the wireless phone for whenever the mobile user doesn't want to read the received message right away if he/she is busy at that specific time *or* if the screen is too small to view the entire message, the user can choose to forward it to a PC or another device for later retrieval by preferably choosing to enter a command at the mobile phone to forward it or not.

Regarding claim 35, Pettersson and Swartz et al disclose the system of claim 29, wherein Swartz et al further discloses the wireless telephone further comprises a display device for displaying a menu for designating the data for reception by the wireless telephone (col 8, lines 45-65; col 10, lines 16-21; col 7, lines 33-38) and

displays received information on data of at least one of images and characters through the transmitting provider (col 4, lines 41-47).

6. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pettersson and Swartz et al as applied to claim 29 above, and further in view of Alperovich et al (US 6,317,609).

Regarding claim 31, Pettersson and Swartz et al disclose the system of claim 29, wherein they fail to further disclose the system comprising: a second wireless telephone that receives the data from a computer and transmits the data into the wireless telephone through the transmitting provider. Alperovich discloses a second wireless telephone 20b that receives the data from a computer and transmits the data into the wireless telephone through the transmitting provider (fig. 4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to add the second wireless phone in order to send the image/data to a friend's cell phone which serves as the second wireless phone for him/her to view via the cellular network.

Allowable Subject Matter

7. Claims 37-48 and 55-57 are allowable over the cited prior art for the reason as set forth in applicant's remarks.

Regarding claim 37, Swartz et al disclose a wireless telephone 12A, comprising:

an inherent detector for detecting data received from a transmitting provider 14 (col 17, lines 55-57); a designating device for designating the data for reception by the wireless telephone from the transmitting provider and for selectively designating an apparatus to which the received data is to be transmitted (col 7, lines 44-65); and a wireless communicating device that communicates with the apparatus without the transmitting provider and transmits the data to the apparatus designated by the designating device (col 17, lines 54-67).

The cited prior art fails to further disclose: a central processing unit which compares a size of the data to be received with a memory capacity of the wireless telephone to determine if the data can be stored on the telephone and that the transmission between the designated apparatus and the mobile unit is wireless.

Regarding claim 40, Swartz et al disclose a data transmitting method for a wireless telephone 12A, comprising:

detecting data received from a transmitting provider (col 17, lines 55-57);

designating the data for reception by the wireless telephone from the transmitting provider and for selectively designating an apparatus to which the received data is to be transmitted (col 7, lines 44-65); and

transmitting the data to a designated apparatus without a transmitting provider (col 17, lines 54-67).

The cited prior art fails to further disclose:

comparing a size of the data to be received with a memory capacity of the wireless telephone to determine if the data can be stored on the telephone and the transmitting between the designated apparatus and the mobile unit is wirelessly.

Regarding claim 43, Swartz et al discloses a data transmission system, comprising:

at least one wireless telephone 12A, comprising:

an inherent detector for detecting data received from a transmitting provider 14 (col 17, lines 55-57);

a designating device for designating the data for reception by the wireless telephone from the transmitting provider and for selectively designating an apparatus to which the received data is to be transmitted (col 7, lines 44-65); and

a wireless communicating device that communicates with the apparatus without the transmitting provider and transmits the data to the apparatus designated by the designating device (col 17, lines 54-67).

The cited prior art fails to further disclose:

a central processing unit which compares a size of the data to be received with a memory capacity of the wireless telephone to determine if the data can be stored on the telephone and that the transmission between the designated apparatus and the mobile unit is wireless.

8. Claims 13-14, 16, 18, 30, 32-34, 36 and 49-54 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in

independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 13, Sashihara and Swartz et al discloses the system of claim 7, wherein Swartz et al further discloses the display device includes a menu having selections for a receive mode for indicating that data has been received (col 8, lines 25-50), the cited prior art didn't further disclose the menu further comprises selections for a transmit image mode for transmitting an image from the second phone to an apparatus, a receive mail mode for receiving characters, and a transmit mail mode for transmitting characters.

Regarding claim 14, Sashihara and Swartz et al discloses the system of claim 7, wherein Swartz et al further discloses a menu comprises selections for a receive mode for indicating that data has been received (col 8, lines 53-65, col 5, lines 15-24);
the cited prior art didn't further disclose the menu further comprises selections for a transmit image mode for transmitting an image from the second phone to an apparatus, a receive mail mode for receiving characters, and a transmit mail mode for transmitting characters.

Regarding claim 16, Swartz et al, Alperovich et al, and Sashihara further discloses the method of claim 15, wherein the cited prior art didn't further disclose the receiving and transmitting the data with the second wireless telephone comprises receiving and transmitting a data file on the second wireless telephone without storing the entire data set on the second wireless telephone when the phone doesn't have enough space to load the data onto the screen.

Regarding claim 18, Alperovich et al, Sashihara, and Swartz et al discloses the method of claim 15, wherein Swartz et al further discloses displaying information from the detected area on a display includes displaying a menu having selections for a receive mode for indicating that data has been received.

The cited prior art didn't further disclose the menu further comprises selections for a transmit image mode for transmitting an image from the second phone to an apparatus, a receive mail mode for receiving characters, and a transmit mail mode for transmitting characters.

Regarding claim 30, Pettersson and Swartz et al disclose the system of claim 29, wherein the cited prior art didn't further disclose the second wireless telephone receives the transmits the data without storing the entire data set on the second wireless telephone.

Regarding claim 32, Pettersson and Swartz et al disclose the system of claim 31, wherein the cited prior art didn't further disclose the second wireless telephone receives the data from a computer server and transmits the data without storing the entire data set on the second wireless telephone.

Regarding claim 36, Pettersson and Swartz et al discloses the system of claim 35, wherein Swartz et al further discloses the menu comprises selections for a receive mode for indicating that data has been received (col 8, lines 53-65, col 5, lines 15-24); Pettersson and Swartz et al didn't further disclose the menu comprises selections for a receive mail mode for receiving characters and a transmit mail mode for transmitting

characters; transmit image mode for transmitting an image from a second phone to an apparatus.

Regarding claim 33, Pettersson and Swartz et al disclose the system of claim 31, wherein they fail to further disclose the at least one wireless telephone further comprises a central processing unit for controlling the telephone and for comparing the size of the data to be received into the wireless telephone with memory capacity of the second telephone to determine if data can be stored on the telephone or must be outputted to an apparatus.

Regarding claim 34, the cited prior art fail to disclose the system of claim 33, wherein the central processing unit further compares the size of the data to be received with memory capacity of the wireless telephone to determine if data can be stored on the telephone or must be outputted to the apparatus.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lana Le whose telephone number is (703) 308-5836. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (703) 305-4385. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9315 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

Lana Le

July 8, 2004

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